

JOURNAL OF THE SENATE

Beginning of the twenty-fifth Biennial Session of the Legislature of the State of Florida, under the Constitution of the State, A. D. 1885, begun and held at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the second day of April, A. D. 1935, at 10:30 o'clock A. M., being the day fixed by the Constitution of the State of Florida for the convening of the Legislature.

Tuesday, April 2, 1935

The Senate convened at 10:30 o'clock a. m., and was called to order by Honorable T. G. Futch, President of the Senate.

The Secretary of the Senate, by the direction of the President, called the roll of the hold-over members of the Senate and the following answered to their names:

Hon. E. H. Lundy—1st District.
Hon. D. Stuart Gillis—3rd District.
Hon. W. P. Shelley—5th District.
Hon. S. L. Holland—7th District.
Hon. James F. Sikes—11th District.
Hon. John W. Watson—13th District.
Hon. J. M. Mann—15th District.
Hon. Clayton C. Bass—17th District.
Hon. Walter W. Rose—19th District.
Hon. J. W. Turner—21st District.
Hon. T. G. Futch—23rd District.
Hon. Olin G. Shivers—25th District.
Hon. H. G. Murphy—27th District.
Hon. W. A. MacWilliams—31st District.
Hon. C. F. Raulerson—33rd District.
Hon. John R. Beacham—35th District.
Hon. Jesse J. Parrish—37th District.

The Secretary of the Senate announced that the Secretary of State had certified to the election of certain State Senators at the general election on November 6th, 1934, and that the same had been filed.

The Secretary of the Senate, by the direction of the President, called the roll of the newly elected Senators and the following answered to their names:

Hon. Philip D. Beall—2nd District.
Hon. H. H. Lewis—4th District.
Hon. R. L. Sweger—6th District.
Hon. William C. Hodges—8th District.
Hon. William Pannill—9th District.
Hon. Herbert C. Harper—10th District.
Hon. F. P. Parker—12th District.
Hon. S. C. Smith—14th District.
Hon. A. G. McArthur—16th District.
Hon. J. Turner Butler—18th District.
Hon. Chas. A. Savage—20th District.
Hon. S. D. Clarke—22nd District.
Hon. Arthur Gomez—24th District.
Hon. H. S. McKenzie—26th District.
Hon. Ferd B. Nordman, Jr.—28th District.
Hon. J. Slater Smith—29th District.
Hon. R. Stanley Adams—30th District.
Hon. R. Lucas Black—32nd District.
Hon. Henry Tillman—34th District.
Hon. Wallace Tervin—36th District.
Hon. Fred L. Touchton—38th District.

The oath of office was then administered to the newly elected Senators by the Honorable James B. Whitfield, Chief Justice of the Supreme Court of Florida.

The roll was then called of the Senate as now constituted, and the following Senators answered to their names:

Senators: Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Hodges, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson.

A quorum of the Senate was announced.

Prayer was offered by the Chaplain.

The Senate then proceeded to the organization of the body. Senator D. Stuart Gillis presented the name of Honorable Wm. C. Hodges of the Eighth Senatorial District to be President of the Senate for the ensuing two years.

There being no other nominations, Honorable Wm. C. Hodges was elected by acclamation and was declared the President of the Senate.

Senator Smith of the 29th Senatorial District moved that a committee of three be appointed to escort the newly elected President to the rostrum.

Which was agreed to.

Senators Smith (29th), Gillis and Butler were appointed.

Honorable T. G. Futch, former President of the Senate, received the newly chosen President and introduced him to the Senate.

The Honorable James B. Whitfield, Chief Justice of the Supreme Court of Florida, administered the oath of office to Honorable Wm. C. Hodges as President of the Senate.

The Honorable Wm. C. Hodges, newly elected President of the Senate, addressed the Senate as follows:

"My Fellow Senators:

It is needless for me to tell you I appreciate the high honor you have this day and hour bestowed on me. The position of President of the Senate is the highest honor senators can confer on a fellow member. It comes to me when I am the Senator oldest in continuous service and comes by the unanimous vote of senators who have long been associated with me in the affairs of the Senate and in public life. Thus it evidences their belief in my fairness, my integrity and judgment and naturally to anyone who appreciates and values the opinion of others it consecrates me to the welfare of the state and to Senate's public service. Such honor rarely comes to any man and has never come to any Senator under our Constitution more than once in his lifetime except in one instance in the early days when this office was given twice to the same Senator. As I stand before you today I do not feel a sense of power or pride of place but I do feel a very deep sense of humility of spirit and have a genuine desire to equal the sincere and lofty service of my distinguished predecessors who performed unselfishly their duties in this high office in the long years which have elapsed since the adoption of our Constitution. No Senator on the floor of this Senate need fear I will ever knowingly be unfair to him; no Senator need fear I will ever endeavor to use this high office to intrude my views improperly on legislation or usurp his rights and privileges by endeavoring to defeat him of his rights to properly, under the rules, cast his vote, express his views or have such measures as he introduces or champions go to a final vote on the calendar, when favorably recommended by the proper committee to which the bill has been referred.

I do not deem it within my privilege or proper for me to express myself in this address on any specific matters of legislation. That is a prerogative which belongs to the Chief Executive of this State and to which he will undoubtedly address himself in the proper way and at the proper time in making such recommendations as he sees fit in his biennial address to the joint assembly.

Still I have no doubt in considering legislation every senator here realizes and will take into consideration that we are not merely concerned over matters of material prosperity and

that we are not disturbed alone over the hunger of the body but are concerned and will legislate at this session over those things which involve a hunger of the mind, which means, of course, the desire of people for an education that they may be better and finer citizens, the hunger of the heart which means making stronger those laws which safe-guard and make sacred the marriage relations by providing adequate laws for the prompt, summary and inexpensive handling of those cases where someone has abandoned the family and left it without means of support and lastly will not forget the hunger of the soul which means we must make safe the anchor of religious freedom which was embedded into the laws of our land by our early fathers and provides that everyone may worship God according to the dictates of his own conscience and not his neighbors.

It is however, in my opinion, entirely proper for me to very briefly outline to you with whom I shall have the pleasure of working, some of those things which affect the organization, the rules and the conduct of the Senate that we may at once come to a complete and proper understanding so we may all approach the gigantic task before us by endeavoring to do as best we know how to do those things laid out before us, for the good of this state.

The Senate is the highest law making body of the commonwealth. When we sit as Senators we lose our individuality as persons and become the senatorial representatives of the people of our districts, otherwise we would not be elected by districts. As the representatives of our districts it is but natural to presume we will be alert for the good of our own people but such alertness should never go to the extent of being willing for the special good of our own district to agree to legislation which will work to the common injury of the entire state. We are Senators of our districts it is true, but we are also Senators of the State of Florida and the prosperity, the progress, the high honor and the general good of the entire commonwealth rests now in the legislative keeping. If we do our duty, and I am sure this Senate will, we will guard carefully the state's honor and labor for its common good.

Along this line and at this time may I be permitted to call the attention of this Senate to the fact that of recent years the legislature has sometimes departed from the decorum one would expect to find in the law making body of a sovereign state. We should conduct ourselves with decorum and dignity because when sitting as senators we are supposed to typify and represent, by all our activities, those fine people who have by their ballots elevated us to this office of trust and honor. While I preside over this body I expect each Senator to measure up by his conduct, both personal and official, to the full stature of a senator that this Senate may be held in esteem by the people of this state and that the Senators themselves may return to their people sure of their confidence and respect.

May I suggest to the Senate that the main reason bills have not had the proper time given them for consideration is that too much time has been taken by long and sometimes acrimonious debates over a waiver of the rules so as to take up some bill out of its order on the calendar. If a rule were proposed and adopted by the Rules Committee to only permit the waiver of the rules by the unanimous vote of the Senate it would correct this evil, would give the introducer of every bill, favorably reported, an opportunity of having his bill properly considered on the floor of the Senate and what is almost as valuable would give the senators the opportunity of examining the calendar each morning and ascertaining for themselves what bills would be before the Senate that day for consideration so that if no bill that day to be considered was of great importance to their constituency they could be excused for committee work subject to call by Senate balliffs should a vote be reached on any indicated bill. This would prevent their being tied to their chairs for an entire day fearful if they left their seats the rules would be waived and some bill they were thus vitally interested in be taken up out of its order on the calendar and considered during their absence.

It is the duty of the President to sign all bills and he is responsible not only for this signature but for their safe-keeping until they are reposed with the proper authority. Therefore it is necessary that a "follow up clerk" be provided for the President of the Senate. This follow up clerk should have the duty placed on him of seeing to it no bill is lost in transit from the Senate to the House or from the House back to the Senate or from the Senate to the Governor's office. This might prevent the loss of some bills such as has in past years been unaccounted for.

May I also suggest that the number of Judiciary Committees be raised from two to three, and that they be charged with

the duty of examining all bills on two questions only; 1st; whether the bill in the committee's opinion is constitutional, 2nd; if constitutional how the bill as proposed would change existing law. These committees should be composed of members of the Senate who are familiar with the requirements for making a bill constitutional and on the construction of statutes so they can promptly and efficiently give the Senate the benefit of their views. When the bill is reported again to the Senate, within a limited number of days, to be fixed by the Committee on Rules, they should report on these two questions alone and then if the bill is found in their opinion to be unconstitutional it can go back to the author for corrections and be reintroduced as corrected if desired or if thought constitutional by these committees then it will be referred with the report of those committees on these two questions attached, to the proper committee handling the subject matter of this bill, for either a favorable or unfavorable report on its passage. Each of these committees should be given two or three research clerks who should be lawyers competent by training and experience to aid these committees in the vast amount of work which will necessarily be placed upon them. The expense to the state of these research clerks would not materially add to the expense of the legislative session because the legislature can eliminate just that many female attaches who would be unqualified to do this class of work and who would be valuable only as scenery. The people's money should be spent at this session of the legislature, as far as the senate can say, to pay salaries only to those who are able to render some service to the legislature and the people by reason of their competency, experience and training. This suggested change in the Rules will eliminate in my opinion much of the very just criticism which has been aimed at the legislature in recent years in spending the people's money by the passage of bills promptly and properly declared unconstitutional by courts of competent jurisdiction.

The Committees of the Senate by consolidation and otherwise can be reduced from forty three to thirty seven. By reducing the committees to thirty seven then each senator may be given the Chairmanship of a committee. In selecting those chairmen, if the Committee on Rules recommends this number of committees, I expect to name as Chairmen of committees those who I think are qualified by interest and experience to properly preside over those committees. Along this line of a provision should be specifically written into the rules of the Senate making it improper for the President of the Senate to refer any bill to a committee merely on the request of the introducer of the bill. All bills should without exception be referred to the committees provided for by the rules and according to the subject matter proper to be handled by those committees.

For the sake of doing our part in helping the Governor and his Cabinet keep a balanced budget would it not be wise to present and pass the General Appropriations Bill within the first fifteen days of the session. The reason for this is if you pass the Appropriations Bill in that length of time, then the legislature by examining the total of its General Appropriations and adding to those figures the total of all special appropriations, claims and other moneys necessary to be paid out by the Treasurer, can during the remaining part of the session know each day exactly how much revenue it must provide to put the amount of money in the Treasury necessary to pay the expenses of Government caused by the general and special appropriations mentioned. It can never be done by hunting revenue first and appropriating money later in the session and then after the session is over find out it has not provided enough money to meet the appropriated expense of government. In other words I now ask this Senate to do its part in putting the horse in front of the cart where it belongs instead of behind the cart.

As I am the senator now longest in continuous service I believe I have naturally seen through that extended service where some corrections might properly be made to the Rules which would be effectual in the more expeditious functioning of the Senate and for the good of the people and because of this belief and as President of this Senate, I am transmitting the suggestions I have in this address made, to the Committee on Rules. The Committee on Rules no doubt will transmit to the body of the Senate after proper consideration such rules as it thinks best. I ask you to earnestly consider them that the Senate in the limited time given it for consideration of so many matters of vital importance to the people, may function intelligently, promptly and carefully and be able to dispose of the great volume of business which will necessarily come before it, with dispatch.

I want you to know, my colleagues, I am ready during this session at all times to do all I know how to do to dispatch the public's business. That is what we are here for. We are not here for our business but we are here solely as public servants to do the greatest good we can do for the people of the state we love and who have so signally honored us.

My fellow senators, with these few remarks I have expressed my views regarding the decorum and the functions of the Senate. I want every Senator to know that we start along the road together in harmony, with the greatest love and affection of mine for each and every one of you—you are all my personal friends—and I feel sure, knowing you as I do, when this session comes to its conclusion and the Speaker of the House and the President of the Senate look down the long line of people gathered in the corridors of the Capital and drop the symbolic handkerchiefs at the appointed hour indicative of the conclusion of our labors, we will still be the same warm, close personal friends we are now and that we will leave these chambers secure in the knowledge we have lost no personal friendships and yet have betrayed no public trust."

Senator Futch moved that the foregoing address of the President be spread upon the Journal.

Which was agreed to and it was so ordered.

Senator Gillis placed in nomination the name of Honorable H. G. Murphy of the 27th Senatorial District to be President pro tempore of the Senate.

There being no other nominations, Honorable H. G. Murphy was elected to be President pro tempore of the Senate by acclamation, and was escorted to a seat by the President's side by a committee composed of Senators Lundy, Shivers and Parrish.

Senator Gillis then presented the name of Robt. W. Davis to be Secretary of the Senate.

There being no other nominations Robt. W. Davis was elected Secretary of the Senate by acclamation.

Honorable James B. Whitfield, Chief Justice of the Supreme Court of Florida, administered the oath of office to Robt. W. Davis, Secretary of the Senate.

Senator Gillis then presented the name of J. W. Kelly to be Sergeant-at-Arms of the Senate.

There being no other nominations J. W. Kelly was elected Sergeant-at-Arms of the Senate by acclamation.

Honorable James B. Whitfield, Chief Justice of the Supreme Court of Florida, administered the oath of office to J. W. Kelly, Sergeant-at-Arms of the Senate.

Senator Gillis moved in pursuance to the action of the hold-over Caucus of the Senators that:

Mrs. Ruth Roberts be named as Head Stenographer of the Senate;

Miss Kate Inman be named as Reading Secretary;

Rev. Ray Y. Waldron be named as Assistant Reading Secretary; and

Leonard W. Lowry be named as Janitor.

Which was agreed to and it was so ordered.

Senator Gillis moved that the Secretary of the Senate have the selection, direction and control of the desk force of the Secretary of the Senate working under his supervision, and that the desk force be in number as approved by the Senate at the 1933 session, and have the appointment of the Bill Secretary of the Senate and the Senate Index Secretary.

Which was agreed to.

Senator Gillis moved that the remaining attaches, nominated and named by the hold-over Senators be presented and voted on en bloc.

And the Secretary presented the following list of attaches:

Chaplin, Rev. Gerald Culberson, Tallahassee, Fla.

Asst. Bill Secretary, Sally Futch, Tallahassee, Fla.

Stenographer, L. C. Wadsworth, Live Oak, Fla.

Stenographer, Mrs. N. E. Tigrett.

Stenographer, Margaret Murphree.

Page, Margaret Holland.

Doorkeeper, M. Wall.

Stenographer, Mrs. Edith Cox, Macclenny, Fla.

Bill Messenger, Bill Lundy, Milton, Fla.

Page, Ray L. Hendricks, Jr.

Page, Hoyt Mann, Lake Butler, Fla.

Mailing Secretary, A. K. Powers, Sanford, Fla.

Asst. Mailing Secretary, W. L. Coats, Ft. Pierce, Fla.

Journal Secretary, Mrs. C. K. Smith.

Engrossing Secretary, Edward R. Hays, Apalachicola.

Page, Olin G. Shivers, Jr.

Postmaster, Louis E. Barber, Clearwater, Fla.

Asst. Sergeant-at-Arms, Julian P. Turner, Cedar Key.

Enrolling Secretary, Mrs. Ida B. Stephens, Miami, Fla.

Senator Gillis moved that the Secretary be instructed to cast the vote of the Senate for the above named attaches.

Which was agreed to and it was so ordered.

Senator Adams moved that a committee of three be appointed to wait upon the Governor and inform him that the Senate is now organized and ready to proceed to the business of the session, awaiting any message he may wish to convey to the Senate.

Which was agreed to.

The President appointed Senators Adams, Gillis and Pannill as said committee.

The committee withdrew.

Senator MacWilliams moved that a committee of three be appointed to notify the House of Representatives that the Senate is now organized and ready to proceed to the business of the session, awaiting any communications they may wish to convey.

Which was agreed to.

The President appointed Senators MacWilliams, Parrish and Futch as said committee.

The committee withdrew.

Senator McKenzie moved that the rules of the 1933 session be adopted to govern the Senate until such time as the Committee on Rules may report.

Which was agreed to and it was so ordered.

The committee appointed to notify the House of Representatives of the organization of the Senate appeared at the bar of the Senate and reported to the President that its duty had been performed.

The committee was discharged.

A committee from the House of Representatives appeared at the bar of the Senate and notified the Senate that the House of Representatives was duly organized and ready to proceed to the business of the session.

The committee appointed to wait upon the Governor and notify him of the organization of the Senate appeared at the bar of the Senate and reported that their duty had been performed.

The committee was discharged.

The following communication from the Governor was received:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 2nd, 1935.

Honorable William C. Hodges,
President of the Senate,
Tallahassee, Florida.

Sir:

I desire to address your Honorable Body in joint session with the House of Representatives today, April 2nd, A. D. 1935, at twelve o'clock.

Very respectfully,
DAVID SHOLTZ, Governor.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION

By permission the following Concurrent Resolution was introduced:

By Senator Gomez—

Senate Concurrent Resolution No. 1:

SENATE CONCURRENT RESOLUTION PROVIDING FOR THE ASSEMBLING WITH THE HOUSE OF REPRESENTATIVES IN JOINT SESSION TO RECEIVE THE GOVERNOR'S MESSAGE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Senate of the State of Florida respectfully advises and concurs with the House of Representatives in advising the Governor that the legislature by his request will be assembled in the House of Representatives at 12 o'clock P. M. on April

2, A. D. 1935, for the purpose of receiving His Excellency's message to be delivered to the Senate and to the House of Representatives sitting in joint assembly.

Which was read the first time in full.

Senator Gomez moved that the rules be waived and Senate Concurrent Resolution No. 1 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 1 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And Senate Concurrent Resolution No. 1 was adopted and ordered to be immediately certified to the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was received:

Hon. Wm. C. Hodges,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted:

By Senator Gomez—

Senate Concurrent Resolution No. 1:

SENATE CONCURRENT RESOLUTION PROVIDING FOR THE ASSEMBLING WITH THE HOUSE OF REPRESENTATIVES IN JOINT SESSION TO RECEIVE THE GOVERNOR'S MESSAGE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Senate of the State of Florida respectfully advises and concurs with the House of Representatives in advising the Governor that the legislature by his request will be assembled in the House of Representatives at 12 o'clock P. M. on April 2, A. D. 1935, for the purpose of receiving His Excellency's message to be delivered to the Senate and to the House of Representatives sitting in joint assembly.

Very Respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

Senator MacWilliams moved that the Senate do now proceed to the hall of the House of Representatives to unite with that body for the purpose of receiving the Governor of the State.

Which was agreed to.

The Senate formed in processional order and marched in a body to the hall of the House of Representatives in the order of their service as Senators, preceded by the President and the President pro tempore of the Senate who were preceded by the Secretary of the Senate, carrying the roll call of the Senators and the minutes of the Senate, the way being opened to the hall of the House of Representatives for the Senators by the Sergeant-at-Arms of the Senate, carrying the gavel of the Senate's authority.

The House of Representatives received the Senate with due form, whereupon the Speaker of the House of Representatives turned over to the President of the Senate the gavel of his authority and the President of the Senate took his seat as the presiding officer of the joint assembly.

The President of the Senate in the chair.

By direction of the President, the Secretary of the Senate called the roll of the Senate and the following Senators answered to their names:

Mr. President; Senators Adams, Bass, Beacham, Beall Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Swager, Tervin, Tillman, Touchton, Turner, Watson—38.

A quorum of the Senate was declared present.

The Chief Clerk of the House was directed to call the roll of the members of the House of Representatives and the following members answered to their names:

Mr. Speaker: Messrs. Baker, Banks, Best, Black, Boe, Bonifay, Brady, Bruns, Bruton, Bucholz, Burks, Burnett, Burns, Butt, Butler, Chappell, Christie, Cole, Collier, Collins, Coogler, Coxwell, Cowart, Crocker, Davis, Denison, Dixon, Driver, Dugger, Early, Edney, Fearnside, Folks, Frost, Getzen, Godwin, Gregory, Griffis,

Hale, Hancock, Hardee, Harrell, Hatch, Hazen, Herndon, Hill, Hubbell, Hunt, Ives, Johns, Kanner, Kelley (Gulf), Kelly (Nassau), Kelly (Pinellas), Kennedy, Knight, Larson, Lea, Mathews, Merritt, Miller, Mincer, McKinney, McLeod, McLin, McNeill, Papy, Preacher, Price, Roberts, Robineau, Robison, Rogers (Broward), Rogers (Marion), Sandler, Saunders, Scofield, Shepherd, Simmons, Sims, Smith, Stewart, Wadsworth, Walker, Ward, Warren, Westbrook, Whiddon, White, Williams (Holmes), Williams (Jackson), Wood (Lee), Wood (Liberty), Woodward—95.

A quorum of the House of Representatives was declared present.

The President then declared a quorum of the joint assembly present.

Representative Griffis of Okeechobee moved that a committee of five, to be composed of two Senators and three Representatives, be appointed to wait upon the Governor and notify him that the joint assembly is now organized and awaits his pleasure, and to escort the Governor to the rostrum of the House of Representatives, sitting with the Senate in joint assembly.

Which was agreed to.

The President appointed Representatives Griffis, Boe, and Folks and Senators Murphy and Lundy as the committee.

The committee withdrew.

The committee appointed to wait upon the Governor returned, escorting the Governor, who was received by the joint assembly standing.

Governor Dave Sholtz was duly escorted to the rostrum.

The President introduced the Governor to the joint assembly, and the Governor delivered his biennial message to the Legislature sitting in joint assembly, as follows:

MESSAGE OF GOVERNOR DAVE SHOLTZ

TO THE 1935 SESSION OF THE LEGISLATURE OF THE STATE OF FLORIDA APRIL 2, 1935.

"Gentlemen of the Senate and House of Representatives of the Legislature—My Fellow Workers for Florida:

The Constitution of the State of Florida provides that the governor shall by message communicate to the Legislature at each regular session information concerning the condition of the State, and recommend such measures as he may deem expedient. It is my honor and privilege to submit to you this message in accordance with this provision of the Constitution.

Copies of the Budget Commission's report, which were mailed to you several weeks ago, another copy of which was placed on your desk this morning for your convenience, give a full and complete picture on the financial condition of the State and the estimated requirements for the next biennium.

Therefore, to avoid repetition you are asked to consider the budget as a portion of my report of the financial condition of the State and the estimated requirements for the next two years as my recommendation to the Legislature.

This Budget is the result of careful and thoughtful consideration on the part of the Budget Commission which, as you know, is composed of the Governor and the entire Cabinet. Every department of the State Government has been carefully gone into. The Budget is based on the use of good common sense judgment and the necessity for economical government. It sets forth in the opinion of the Budget Commission what should be adequate for the needs of the State for the next two years. It must be realized that there has been a general advance in the cost of food stuffs, supplies, materials and labor to the average extent of approximately thirty per cent, with further advances to be expected.

Your special attention is called to the comments by the Budget Commission which are printed in the report and your full thought is directed to the chart showing where the state dollar comes from and where it goes. Further attention is specifically directed to the necessity for adequate provision for the State Institutions on a long time, carefully planned program to provide for essential requirements. Adequate maintenance and upkeep of state property should not further be postponed. We have been putting off from session to session adequate provision for maintenance, and although much has been done, as for example, at the State Hospital for the Insane, yet that Institution is over-crowded and as has been so often said by your Governor and the various members of the Cabinet, the whole Institution shows a crying lack of facilities for decent, humane care of the wards that we

have there. Therefore, it is the hope of your Budget Commission which has devoted many actual months of thought and consideration to its preparation with the benefit of actual daily governmental supervision, that you will see fit to adopt the Budget substantially as presented.

Your attention is called to the fact that at the beginning of the first full fiscal year of this administration, July 1, 1933, there was a deficit of approximately \$2,000,000 in state revenues. At the end of that fiscal year, June 30th, 1934, the State Budget had been balanced for the first time in years and the deficit had been changed into a surplus of approximately \$600,000, a net gain in the financial position of the State of approximately \$2,600,000.

As the result of reforms put into effect there was repaid every dollar which had been borrowed from the State School Fund by previous administrations to the amount of \$100,000. In addition to that, in the first fiscal year of this administration \$87,646.41 was paid on account of outstanding bank indebtedness of \$375,000, which indebtedness had been due for a period of approximately eight years. Every current bill created during that fiscal year was paid.

Since the beginning of the current fiscal year, July 1st, 1934, the balance of the State's bank indebtedness inherited by this administration amounting to \$287,362.66 has been paid.

Since the beginning of this administration, for the first time in years, all premiums due the State Fire Insurance Fund have been paid and this Fund is thereby being put on a sound basis. In addition to this, the Internal Improvement Board has retired approximately \$200,000 of delinquent taxes. All current bills are paid promptly. No obligations are created unless the money is on hand with which to pay them.

In my Inaugural Address I suggested a basis of operation which in my opinion should remain in full force and effect.

1. Can the State afford it?
2. Does the State have the money to pay for it?
3. Can the State get along without it?

How well this has proven itself is indicated by what has been accomplished up to the present time.

It is indeed gratifying that with a balanced budget the State of Florida is now on a pay-as-you-go basis and all of this has been done without any new sources of revenue, except the beer and wine revenue which went directly to the schools. Today in Florida in the operation of your State Government we contract no bills that we cannot promptly pay and I know that you cannot help but feel better with such a condition. You have had to live within your income and as I have so often said there is no reason why a government cannot live within its income. We certainly are doing that today in Florida. This has been accomplished by rigid economy in all departments of government, and by enforcement of collections due the State in which I have had the hearty cooperation of your Comptroller. Without the cooperation of the Legislature as well as the members of the Cabinet this achievement would have been impossible. The balancing of the budget was accomplished only as the result of the strict budgeting of governmental expenditures resulting in appropriations at the last session of the Legislature that saved approximately one and a half million dollars per annum.

Great economies have resulted not only in the State but in the counties from the system of records and accounting installed by the State Auditing Department. This has done much to assist in the maintenance of adequate economy and in the years to come will save untold millions to the taxpayers of our State.

Florida as a State is in a class by itself. Because of its conservative legislation it has attracted many people to make this State their residence and her people last year paid more in Federal Inheritance Tax than 38 other states, thereby ranking tenth in the payment of Inheritance Taxes, whereas she ranks thirty-first in point of population.

While it may have been physically possible to get along with fewer employees in the various departments of State Government it has not in my opinion been humanely possible to do so. I do not believe the people of this State wish to disregard entirely the human equation.

Up until February 28th of this year Florida received from the United States Government during this administration \$16,160,000 from the Civil Works Administration and \$34,146,535 from Federal Emergency Relief, education, transients and special programs. In addition to this up until March 1st, 1935, we have received commodities to the value of \$3,823,884, making a total of \$54,130,419 without matching a dollar of

these federal funds. At the same time it has been incumbent upon this State to take care of its own as far as possible. In line with this responsibility the State has employed more help in its several departments than might have been employed under normal conditions. However, the discharge of state employees who would immediately become a charge on the Federal Government would have mitigated sorely against the State and would have indicated bad faith on our part in cooperation with the Federal Government. For these reasons and inasmuch as we have been keeping within the budget the number of state employees, all of whom are performing efficient and worth while service to the State, is perhaps greater than it might have been otherwise. I am bluntly frank in this declaration. The State of Florida has at least attempted to do its part in cooperation with our great and humane President.

I believe that the best governed people are those who are the least governed; that there are already too many laws in our State; that what we need here in Florida is more law enforcement and less law enactment.

If all property had been equitably assessed, if taxes had been paid by all alike, real estate, intangible, occupational license, documentary stamp, poll tax, etc., at all times there would have been sufficient money to operate our State and County Governments and our schools.

The first essential of government is the finances with which to operate because without revenue there could be no government. Therefore, I am now requesting the Legislature to center its efforts from the very beginning of this session upon those measures which have to do with finances or in which finances are involved. With that idea in mind, this, my first Message to this Legislature, will be confined to the recommendation of legislation in which finances are involved.

In a general way this will include:

1. Appropriations.
2. Schools and Free Textbooks.
3. Reduced License Tags.
4. Liquor.
5. Construction Appropriations for Chattahoochee and Raiford and other institutions as the State's contribution to emergency relief.
6. Reenactment of 1 cent Gas Tax for General Revenue.
7. Relief of real estate from all State Advalorem except the one mill constitutional levy for schools.

All of these items are either revenue producing or require revenue and some of them are more or less related to each other.

With these measures disposed of we will be assured of a balanced budget for the next biennium. We will know just where the money is coming from to take care of these appropriations and we will be secure in the knowledge that the State will be able to continue for the next two years on a sound financial basis.

I said two years ago that the State of Florida did not need any new or additional sources of revenue. Notwithstanding the loss of revenue that will inevitably follow the adoption of the Homestead Exemption Amendment that statement still holds good. The State can get along fine, take care of all of its obligations, including schools and relief and at the same time reduce the cost of the auto tag to \$5 and \$10, provide free textbooks in all grades and eliminate the State Advalorem Tax on real estate without any new revenue except that which naturally follows licensing of the sale of liquor. It is purely a matter of collection and allocation.

APPROPRIATIONS

It is my recommendation that the Appropriation Bill be formulated and introduced during the first days of your session to the end that it may have proper and sufficient consideration. With the Budget in your hands so far in advance of the session, there is no need for delay in passing the Appropriation Bill until late in the session. Its early passage will remove doubt and uncertainties.

SCHOOLS AND FREE TEXT BOOKS

The School system of Florida should be adequately financed for actual requirements essential for sound operation so that the children may get a fundamental American education and the teachers who give of their energy and time may receive decent, livable compensation. Substantial progress was made at the last session of the Legislature when legislation was passed which directed that the moneys received by the State

for the benefit of the schools should be segregated for the primary purpose of seeing that the teachers were paid promptly, as well as the bus drivers.

The adoption of the Homestead Exemption Amendment will result in a substantial decrease in school revenues which cannot well be made up by counties which will experience the same financial difficulties. Accordingly, I am willing that the State contribute to the schools in this emergency to the limit of its ability.

Approximately Ten and One-Half Million Dollars may be provided annually for the schools from the following sources without tapping any new sources of revenue:

Reallocation of the present 3c Gas Tax from bonds to schools as an emergency measure for two years would produce in my opinion \$7,000,000 per annum.

With a reduction of license tags for automobiles to five and ten dollars the Motor Vehicle Fund would yield approximately three and one-half million dollars per annum.

The one mill constitutional levy and the interest on the School Fund would yield another half million dollars, making a total of approximately \$11,000,000.

There is now a balance of \$298,000 in the Free School Text Book Fund.

Not more than five hundred thousand dollars in addition to present revenue for free text books in certain grades will be required to provide free school books for every child through high school, thus leaving approximately \$10,500,000 for teachers and bus drivers.

It is not my intention to make the temporary reallocation of the 3c Gas Tax from bonds to schools an issue with the Legislature but this is one of the things I had in mind when I referred to our financial problem as being purely a matter of collection and allocation. As an alternative there might be levied a general commodity emergency tax of 3% for the benefit of school operations which would yield approximately the same amount as the 3c Gas Tax. It is up to the Legislature in its wisdom to choose between these two options or suggest a better way to provide the funds required. In passing, I might suggest that if the 3c Gas Tax now allocated to counties for debt service should be transferred to the schools it might be done under an existing emergency for a period of two years without repealing the present law which would remain in full force and effect after the two year period.

FOR THE SCHOOLS—(Recapitulation)

3c Gas or 3% Commodity Tax (est.)	\$ 7,000,000
License Tags—\$5 and \$10 on Autos (est.)	3,500,000
1 Mill Constitutional Levy and Interest on School Fund (est.)	500,000
	\$11,000,000
Estimated increased cost free textbooks, all grades	500,000
Leaving for schools in addition to free textbooks.....	\$10,500,000

In this manner the schools would be relieved of the emergency arising from the passage of the Homestead Exemption Amendment. It is time to place the schools once and for all on a sound financial basis.

REDUCED LICENSE TAGS

In my message to the 1933 session of the Legislature, I recommended that a reasonable tax such as a \$5.00 and \$10.00 tag for automobiles based upon some stated weight of the car be enacted by the Legislature. With the program that is suggested for your consideration, with the adequate financing of the schools as heretofore suggested, it is my opinion that a \$5.00 and \$10.00 license tag can now be given to the owners of passenger automobiles in our State. I am convinced that many thousands more of motor vehicles would be in use, giving an increase to the volume of gasoline use and consequent increase in the Gasoline Tax collected.

LIQUOR

There are three essential fundamentals that must be considered in the enactment of liquor legislation.

1. Temperance.
2. Elimination of illicit traffic in liquor.
3. Revenue.

There are two main avenues open to the Legislature in the enactment of liquor laws, namely, the license system and the state control system, commonly known as the Dispensary System.

I would point out to you: first, that the State is in no financial condition to embark in such a treacherous and hazardous business as the liquor business, and second, that my investigation of other states which have gone into the business disclosed that in many instances it had created new fields for graft and corruption.

Certainly it appears that the profits are not in line with the revenue derived by states that levied a gallonage tax and controlled the industry through licensed vendors.

Let us eliminate as far as possible once and for all the illegal operator commonly known as the bootlegger.

It is my opinion that by an adequate control bill, with state license fees and a gallonage tax on all spirits, Florida will collect a larger profit from the industry and traffic at practically slight cost to the State. If the State endeavored to go into the business, it would then be necessary to lease, equip and man hundreds of stores, and such an undertaking would require an investment which the State cannot finance, and would open up avenues for losses and leaks which the State could not control.

Fundamentally I do not believe and have never felt that the State Government has any business engaging in private business. I am utterly opposed to the return of the saloon.

APPROPRIATIONS FOR CHATTAHOOCHEE AND RAIFORD AND OTHER STATE INSTITUTIONS AS THE STATE'S CONTRIBUTION TO EMERGENCY RELIEF

We are prohibited under our Constitution from making direct appropriations for welfare or relief. According to the Constitution of the State of Florida that is a responsibility of the respective counties. However, with depleted funds resulting from the adoption of the Homestead Exemption Amendment that is a burden that the counties cannot be expected to assume at this time. Accordingly, I am recommending an appropriation of One Million Dollars for supervision and the materials to be used in the construction of much needed extensions to the State Hospital at Chattahoochee, the Prison Farm at Raiford and other state-maintained and operated institutions. I feel sure that the labor for this work will be furnished from relief rolls to an extent far greater than the appropriation recommended and I believe that our appropriation will be considered by the Federal Government as a matching of funds. In my opinion it will be possible to make such an appropriation from increased revenues in the General Revenue Fund.

REENACTMENT OF ONE CENT GAS TAX FOR GENERAL REVENUE

With the State's additional contribution to the schools and with the elimination of the state advalorem tax on real estate, which I am recommending, it will be necessary to reenact for another two years the present emergency legislation allocating the 1c Gasoline Tax to the General Fund.

RELIEF OF REAL ESTATE FROM ALL STATE ADVALOREM EXCEPT THE ONE MILL CONSTITUTIONAL LEVY FOR SCHOOLS

Certainly the taxpayers are entitled to every right to have their taxes reduced in every possible manner. It is my recommendation that the State Advalorem, with the exception of the one mill constitutional levy for schools, can well be given up, providing the revenue from the liquor legislation is allotted to General Revenue in its place and stead and the emergency one cent gasoline revenue now going to the General Revenue is retained for another two year period.

With the reenactment of the present law allocating the 7th cent of Gasoline Tax to the General Revenue Fund and the revenue from beer and liquor allocated to that fund we can continue to take care of Confederate Veterans Pensions Tick Eradication and Live Stock Sanitary Board, Board of Health, State Prison, the present free school book requirements and state operating expenses that are now provided for by state millage of 6 1-8 mills, thereby entirely eliminating all state advalorem tax on real estate except the one mill levy for schools required by the Constitution. In addition to that we can appropriate One Million Dollars for Chattahoochee, Raiford and our other institutions as heretofore suggested and thus solve our relief problem in a way which I am confident will meet constitutional requirements.

The 6 1-8 mills advalorem, according to our present budget, is estimated to yield during the next biennium \$1,528,432 per

annum. This is clearly set forth in the following recapitulation:

RECAPITULATION

Liquor revenue est. at	\$2,000,000	
Beer revenue est. at	600,000	
Items taken care of by the 6 1-8 mills advalorem to be eliminated		\$1,528,432
Balance applicable for appropriation for Chattahoochee, Raiford and other In- stitutions in connection with relief		\$1,071,568
	\$2,600,000	\$2,600,000

HIGHWAYS

The Congress of the United States in an Act approved June 18, 1924, provided that any State which is diverting highway tax to use other than construction and maintenance of highways shall be deprived of not less than one-third of its just apportionment of road funds. On that account alone it is inconceivable that we should divert any portion of the 3c Gas Tax now allocated to roads. Aside from that fact, however, the amount yielded by the present 3c Gas Tax is far from sufficient for the proper maintenance and betterment of our State Highways which now represent an investment of more than \$200,000,000. After careful thought and study I have reached the firm conclusion that the convicts should be put on maintenance work in Florida and on any new construction made possible by federal aid free labor only should be used.

CONSTITUTIONAL AMENDMENTS

It is my duty at this time to call to your attention the fact that a number of constitutional amendments were adopted by a majority vote of the citizens of this State at the last November election and that these amendments require action on the part of this Legislature in accordance with the mandate of the people. These amendments have to do with a number of very important matters affecting the general welfare of our people, such as the reduction of judicial circuits and the uniform legislation for cities and towns which will enable the abolition of small and unnecessary municipalities. The Homestead Amendment has left a necessity for clarification.

The National Administration has been kind to Florida and certainly has helped Florida get off to a good start. We should never be unmindful of that spirit of cooperation so clearly demonstrated by the Federal Government, but at the same time we should put our own house in order. It is time to quit the constant raiding on the State and Federal Treasuries and Florida certainly can help set the pace for the rest of the country in cooperating with our great President in stabilizing conditions for our people. There is no reason with careful planning why Florida cannot learn to stand on its own feet. The back of the depression has undoubtedly been broken. We do not need any permanent dole nor is there any need for the next administration to go through what this Governor, his Cabinet and other State Officials have had to go through with in endeavoring to set our own house in order. It is time to do something for ourselves.

The new conditions that are beginning to prevail in Florida necessitate the use of good old-fashioned common sense and extreme caution, as well as even a greater exercise of prudence and good judgment. Let us guard against any increase in the burdens of taxation, for the people of Florida desire an efficient and economical government.

Florida is making a real comeback. Additional hotels, homes and apartments are not only planned but under construction. Let us continue our attractions to visitors and new settlers. Florida should be the Riviera of the New World. We should not enact laws that would turn visitors and new settlers from the North, East, West and South to other directions. We should at this session renew our invitation to all to come to Florida. With our glorious climate, and within one night's ride of seventy-five million people, we enjoy advantages that cannot be matched or duplicated in the whole world.

In subsequent messages I will treat with such matters as Security and Social Welfare Legislation, Syndicalism and Communism, Local Governmental Units and County Consolidations, Citrus, Highways, State Highway Patrol, Workmen's Compensation, State Planning Board, Unemployment Insurance, Old Age Pensions, highway truck regulations, reforestation and other subjects.

Many of these matters are of major importance to the State but as I have said before the first essential of government is the finances with which to operate and I am urging you to give your first consideration to these essentials.

If the growth of the State and increase in volume of business requires a longer session than sixty days, let's amend the Constitution, but in the absence of such an amendment let the Legislature and the Chief Executive of the people set a good example by living up to the letter and the spirit of the Constitution which we are sworn to uphold. Any special session following a regular session would be an evasion of the spirit of the Constitution.

Forewarned is forearmed and with the knowledge beforehand that we have but sixty days to do the job we can cut our garment according to the cloth and if we cannot do all that we might like to do in the Constitutional sixty days, let us do all that it is possible to do within that time, taking up and disposing of our problems in the order of their importance.

Never before has the Legislature been provided with so much information and statistical data to guide and assist in its deliberations and conclusions. This will be a great time saving factor.

The people of the State are in no mood to countenance with complacency the expenditure of approximately four thousand dollars per day for an extra session. Neither is it fair to you men of the Legislature to be called upon to serve beyond the allotted time at a compensation not commensurate with your worth and earning capacity in your various professions and business activities. In view of all this I can see no possible justification for a special session to follow the regular session now assembled.

I am confident the members of the Legislature will conduct its session in a business-like manner and with promptness and dispatch. Gathered as you are here from the sixty-seven counties of Florida, naturally you are well informed of the needs of your respective communities and of the counties which elected you. The Legislature, however, sits for the benefit of the entire State and I would respectfully urge you in the consideration of the measures before you to consider whether or not such measures are for the benefit of the entire State or whether of a selfish or purely local nature. As the chosen representatives of the people what you do here is of utmost importance to them. Florida today stands at the threshold of its greatest period of progress and the soundness and saneness of your deliberations may well direct the prosperity and future of Florida so that the greatest good may be secured for the greatest number.

I have no personal or political axe to grind and no legislative hobbies or ambition to be served. It is not my intention or desire to enforce my individual views or opinions upon the Legislature but at the same time I shall not avoid the responsibility of leadership. Such suggestions and recommendations as I may make from time to time for your consideration will be prompted solely by what I consider to be in the best interests of our people whom we jointly represent.

I am only one human being not endowed with any qualities that are not inherent in the majority of you and I am by no means infallible. We are all working in a common cause to the same end. In accordance with our individual judgments we may approach this common end from different angles, all with equal sincerity of purpose. My suggestions are not to be considered as the last word nor shall I contend for their literal adoption. If better ways and means for accomplishing the desired end are suggested or brought to light in the course of your deliberations they will receive my hearty endorsement and approval. After all the enactment of legislation is your responsibility.

As individuals we count for nothing. As cohesive branches of our government striving to render the greatest possible service to our State let us work together for the welfare and well-being of our people, subordinating individuality and personality to the end that this session of the Legislature may be written into the history of this State as outstanding in its achievements.

I offer you my whole-hearted cooperation. You are respectfully invited to feel free at all times to consult with me to the end that by working together we may fully discharge our trust in the interest of good government. Almighty God in his wisdom has been most kind to the people of Florida and with His help Florida should be in the forefront of all that is constructive, worthwhile and fruitful for our people.

All tasks at hand must be approached with a deep and reverent sense of obligation, not only to the people, the State and

the country, but to Almighty God. Without His aid and guidance we are nothing and we can do nothing. In order to merit the assistance and the trust of Divinity, we must have and assert courage, self-sacrifice, unselfishness, fortitude and manhood, remembering that only these characteristics can meet approval or deserve approval and help at the hands of the Almighty Creator."

Senator Murphy moved that the Senate do now withdraw from the joint assembly and resume its session in the Senate Chamber.

Which was agreed to.

The Senate resumed its session in the Senate Chamber at 12:57 o'clock P. M.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—38.

A quorum present.

By permission the following bill was introduced:

By Senator Futch—

Senate Bill No. 1:

A Bill to Be Entitled An Act Providing That All County Tax Collectors in the State of Florida Shall Keep the Tax Books Open for the Collection of Taxes Levied and Assessed for the Year 1934 Until the First Day of July, A. D. 1935.

Which was read the first time by title only.

Senator Futch moved that the rules be waived and Senate Bill No. 1 be read the second time by title only.

Which was agreed to by two-thirds vote.

And Senate Bill No. 1 was read the second time by title only.

Senator Futch moved that the rules be further waived and Senate Bill No. 1 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1 was read the third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—38.

Nays—None.

So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives.

Senator Savage moved that John T. Lewis be named as Assistant Sergeant-at-Arms of the Senate.

Which was agreed to and it was so ordered.

Senator MacWilliams moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 1:04 o'clock P. M., until 11:00 o'clock A. M. Wednesday, April 3rd, 1935.